

## **REMARKS**

Reconsideration and withdrawal of the rejections of the claimed invention is respectfully requested in view of the amendments, remarks and enclosures herewith, which place the application in condition for allowance.

### **I. STATUS OF CLAIMS AND FORMAL MATTERS**

Claims 13-15, 21-23, 27, 28, 47-52, 57, 58, and 74 -78 are pending in this application. The applicants appreciate the indication of allowable subject matter with respect to claims 22, 23, 28, 51 and 58. The claims have been amended which accepts some of the claims indicated as being allowable. New claims 75-78 recite a type of glufosinate salt encompassed in the broader claims. The applicants reserve the right to pursue the scope of the originally filed claims in a divisional/continuation application. No new matter has been added by this amendment.

It is submitted that the claims, herewith and as originally presented, are patentably distinct over the prior art cited in the Office Action, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112.

### **II. THE 35 U.S.C. 102(b) REJECTION HAS BEEN OVERCOME**

Claims 47-49 and 74 were rejected as allegedly being anticipated by Hudetz et al. (WO 96/32013 - "Hudetz"). This rejection has been rendered moot in light of the Examiner's indication of allowable subject matter and the applicants' above amendments to the claims. The applicants reserve the right to pursue the scope of the originally filed claims in a divisional/continuation application.

### **III. THE 35 U.S.C. 103(a) REJECTION HAS BEEN OVERCOME**

A. Claims 13-15, 21, 27, 50 and 57 were rejected as allegedly being obvious by Hudetz et al. (WO 96/32013 - "Hudetz") in view of Zhang (US 5,885,936 - "Zhang") and the 102(b) Hudetz's rejections as applied to claims 47-49 and 74. This rejection has been rendered moot in light of the Examiner's indication of allowable subject matter and the applicants' above amendments to the claims. The applicants reserve the right to pursue the scope of the originally filed claims in a divisional/continuation application.

B. Claims 13, 27, 47, 57 and 74 were rejected as allegedly being obvious by Ruegg et al. (US 6,180,563 - "Ruegg"). This rejection has been rendered moot in light of the Examiner's indication of allowable subject matter and the applicants' above amendments to the claims. The

applicants reserve the right to pursue the scope of the originally filed claims in a divisional/continuation application.

### **CONCLUSION**

In view of the remarks and amendments herewith, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date, and, the Examiner is invited to telephonically contact the undersigned to advance prosecution. The Commission is authorized to charge any fee occasioned by this paper, or credit any overpayment of such fees, to Deposit Account No. 50-0320.

Respectfully submitted,  
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